

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Corwin	Team: Squad #10	CCRB Case #: 201901002	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 02/03/2019 6:20 AM	Location of Incident: § 87(2)(b)	Precinct: 07	18 Mo. SOL 8/3/2020	EO SOL 3/20/2021	
Date/Time CV Reported Mon, 02/04/2019 9:08 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/04/2019 9:08 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Gerson Mejia	30139	930720	007 PCT
2. POM Jose Aracena	18880	951470	007 PCT
3. POM Luis Perez	21352	951043	007 PCT
4. POF Alexis Rice	05299	963714	007 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Gerson Mejia	Abuse: Police Officer Gerson Mejia threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POM Gerson Mejia	Abuse: Police Officer Gerson Mejia threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.POM Gerson Mejia	Abuse: Police Officer Gerson Mejia threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)
D.POM Gerson Mejia	Abuse: Police Officer Gerson Mejia threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On February 04, 2019 § 87(2)(b) filed the following complaint with the CCRB over the phone.

At approximately 6:20 a.m. on February 03, 2019, § 87(2)(b) was in his apartment at § 87(2)(b), when he called 911 because his neighbor, § 87(2)(b) was banging on his door and making threats against him. Building § 87(2)(b) responded to their apartment and then Police Officer Gerson Mejia, Police Officer Alexis Rice, Police Officer Jose Aracena, and Police Officer Luis Perez, of the 7th Precinct, responded. The officers spoke with § 87(2)(b) and § 87(2)(b) and at some point during this conversation, PO Mejia allegedly said to § 87(2)(b) that the issue was a noise complaint and if he kept calling the police about that type of issue he and § 87(2)(b) would be arrested and committed to a “crazy house” (**Allegation A: Abuse of Authority: Threat of Arrest:** § 87(2)(g) **Allegation B: Abuse of Authority: Threat of Arrest:** § 87(2)(g) **Allegation C: Abuse of Authority: Threat re: removal to the hospital:** § 87(2)(g) **Allegation D: Abuse of Authority: Threat re: removal to the hospital:** § 87(2)(g) The officers then left. Neither § 87(2)(b) nor § 87(2)(b) were arrested or summonsed.

§ 87(4-b), § 87(2)(g)

The investigation obtained surveillance video footage of the incident from § 87(2)(b) (**Board Review 01**).

Findings and Recommendations

Allegation A: Abuse of Authority: Police Officer Gerson Mejia threatened to arrest § 87(2)(b)

Allegation B: Abuse of Authority: Police Officer Gerson Mejia threatened to arrest § 87(2)(b)

Allegation C: Abuse of Authority: Police Officer Gerson Mejia threatened to remove § 87(2)(b) **to the hospital.**

Allegation D: Abuse of Authority: Police Officer Gerson Mejia threatened to remove § 87(2)(b) **to the hospital.**

§ 87(2)(b) provided a sworn statement at the CCRB on February 07, 2019 (**Board Review 02**) and § 87(2)(b) gave a statement over the phone on April 12, 2019 (**Board Review 03**). PO Mejia provided a statement on May 08, 2019 (**Board Review 04**), PO Rice provided a statement on May 10, 2019 (**Board Review 05**), PO Aracena provided a statement on May 10, 2019 (**Board Review 06**), and PO Perez provided a statement on June 05, 2019 (**Board Review 07**).

§ 87(2)(b) said that after § 87(2)(b) banged on his door and threatened to kill him, he called 911 and told the operator that § 87(2)(b) had threatened him with murder. When officers arrived, § 87(2)(b) told PO Mejia that § 87(2)(b) was trying to kick down his door and was yelling that he was going to kill him. At some point while the officers were present, § 87(2)(b) threatened § 87(2)(b) although § 87(2)(b) did not remember exactly what he said. § 87(2)(b) said, “See. He’s threatening me.” § 87(2)(b) stated that while he was speaking in the hallway with PO Mejia, PO Mejia said, “Well, you know to me this is a noise problem. And if you keep calling the police about this type of issue, we’re going to have the both of you arrested and committed to a crazy house.” § 87(2)(b) believed that § 87(2)(b) was close enough to PO Mejia to have heard him say this.

A recording of the 911 call made by § 87(2)(b) was consistent with his statement that he reported § 87(2)(b) threatening to murder him. He also reported in the call that his neighbor was

“crazy” and “drugged” (**Board Review 09**). A transcription of this 911 call was prepared by the investigation (**Board Review 10**).

§ 87(2)(b) said that while police officers were present, § 87(2)(b) loudly said that if § 87(2)(b) continued to file complaints against him, he would eventually kill § 87(2)(b). § 87(2)(b) did not recall if any officers threatened to arrest § 87(2)(b). § 87(2)(b) did not recall hearing any officer say, “We’re going to have you arrested and committed to a crazy house.” He did not hear any officer say anything about taking § 87(2)(b) or § 87(2)(b) to the hospital.

§ 87(2)(b) declined to participate in the investigation. However, in a letter sent to the investigation he said only that he did not witness misconduct by members of the NYPD on the incident time and date (**Board Review 08**).

PO Mejia denied saying, “If you keep calling, we’re going to have you both arrested and committed to a crazy house.” He denied making any threats of arrest or any threats regarding removal to the hospital.

PO Rice, PO Aracena, and PO Perez also all denied hearing PO Mejia say, “We’re going to have you both arrested and committed to a crazy house.” They denied hearing PO Mejia make any threats of arrest or threats of removal to the hospital.

With the exception of PO Aracena, who said that § 87(2)(b) could have been arrested for banging on § 87(2)(b)’s door, all of the officers stated that they did not recall § 87(2)(b) doing anything for which he could be arrested for. None of the officers heard § 87(2)(b) make threats of violence.

The video does not contain audio, so it did not help the investigation determine whether or not PO Mejia made the aforementioned statement.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

According to Section 15 of Article 120 of the NYS Penal Law, a person is guilty of menacing in the third degree when, by physical menace, he or she intentionally places or attempts to place another person in fear of death, imminent serious physical injury or physical injury (**Board Review 11**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one prior CCRB complaint and has been named as a victim in one allegation (**Board Review 13**).
 - § 87(2)(b)
- This is the first CCRB investigation to which § 87(2)(b) has been a party (**Board Review 14**).
- PO Mejia has been a member of service for seventeen years and has been the subject in two other CCRB complaints and two allegations, of which none were substantiated. § 87(2)(g)
- PO Aracena has been a member of service for eight years and has been the subject in three other CCRB complaints and six allegations, of which none have been substantiated. § 87(2)(g)
- PO Perez has been a member of service for eight years and has been the subject in five other cases and nine allegations, of which none have been substantiated. § 87(2)(g)
- PO Rice has been a member of service for two years and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- A request for any Notice of Claim regarding this incident has been submitted to the New York City Comptroller's Office, and the results will be added to the case file upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[Redacted]
- [Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad No.: 10

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date